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October 8, 2010

KEITH G. VON GLARN (1952-2007)

VIA ELECTRONIC FILING

Hon. Tonianne J. Bongiovanni, U.S.M.J.
Clarkson S. Fisher Federal Bldg. & Courthouse
Room 6052
402 E. State Street
Trenton, New Jersey 08608

RECEIVED**OCT 12 2010**

AT 8:30 M
WILLIAM T. WALSH
CLERK

Re: E. Allen Reeves, Inc. v. Michael Graves & Associates, Inc., et al
Civil Action No. 3:10-cv-1393-JAP-TJB
Our File No. 01593.00361

Dear Judge Bongiovanni:

At Your Honor's direction, on behalf of Third Party Defendant Fisher Marantz Stone, please be advised that we wish to proceed with the motion originally filed on September 8, 2010 under docket item number 45. It is our understanding that it is not necessary for us to "refile" our September 8, 2010 filed motion papers, but rather the submittance of this correspondence is sufficient in that regard. Should we be mistaken in this understanding, we would be happy to comply with the Court's further direction.

Very truly yours,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

s/Joanna Piorek

Joanna Piorek

JP/cz

cc: Clerk, U.S. District Court (Via E-Filing)
Counsel of Record (Via E-Filing)

1060238.1

So Ordered this 12 day
of Oct 12, 2010
[Signature]

ORDER ON ORAL MOTION

*The Motion to Dismiss
(docket Entry No 45) is
deemed ref. led and
returnable November 15, 2010.*